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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

PIERRE BRAILSFORD and KEVIN  
 GILMORE, individually and on behalf of all  
 others similarly situated.

Plaintiffs,

vs.

JACKSON HEWITT INC.; TAX SERVICES  
 OF AMERICA, INC.; DOES 1 through 100,

Defendants.

) Case No.: C 06-00700 CW

) CLASS ACTION

) **STIPULATION AND PROPOSED ORDER**  
 ) **RE DISMISSAL OF PLAINTIFF KEVIN**  
 ) **GILMORE AND DEFENDANT DOES 1**  
 ) **THROUGH 100**

It is hereby stipulated by the parties, through their respective counsel, as follows:

1. Kevin Gilmore has elected not to proceed as a plaintiff in this action. Consequently, he is hereby dismissed as a named class representative, but will remain eligible to participate in the class settlement, if it is approved by the Court.

2. Doe Defendants 1 through 100 remain unidentified. Consequently, these defendants are hereby dismissed from this action.

3. The parties waive any claims for fees or costs against Plaintiff Kevin Gilmore and Does 1 through 100.

Dated: January 9, 2007

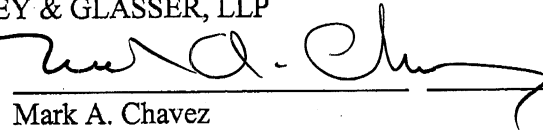
CHAVEZ & GERTLER LLP

RODDY KLEIN & RYAN

RONALD FREDERICK & ASSOCIATES CO., L.P.A.

BAILEY & GLASSER, LLP

By:

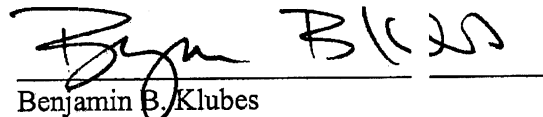
  
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Dated: January 9, 2007

SKADDEN, ARPS, SLATE, MEAGHER  
& FLOM LLP

By:

  
Benjamin B. Klubes

Attorneys for Defendants  
JACKSON HEWITT INC. and TAX SERVICES OF  
AMERICA, INC.

IT IS SO ORDERED.

Dated: 1/11, 2007



The Honorable Claudia Wilken  
UNITED STATES DISTRICT COURT JUDGE

STIPULATION AND PROPOSED ORDER RE DISMISSAL OF PLAINTIFF KEVIN GILMORE AND DEFENDANT DOES 1 THROUGH 100 Case No. C 06-00700 CW